



# Legislative Research Council

## RULES REVIEW COMMITTEE MINUTES

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**Three hundred seventeenth meeting  
Tuesday  
September 27, 2011**

**Room 414  
State Capitol  
Pierre, South Dakota**

The three hundred seventeenth meeting of the Rules Review Committee was called to order by Chair Senator Jean Hunhoff at 9:15 a.m. CDT, September 27, 2011, in Studio A at the State Capitol, Pierre, South Dakota, and via the Digital Dakota Network (DDN) at the following locations: Northern State University, 1200 S. Jay St., Room Lib 117, Aberdeen, South Dakota; Mitchell Technical Institute, 1800 E. Spruce, Room TC 155, Mitchell, South Dakota; SD School of Mines and Technology, 501 E. St. Joseph St., Room CB 109, Rapid City, South Dakota; University Center, 4801 N. Career Ave., Room FADM 257, Sioux Falls, South Dakota; and Department of Transportation, 1306 W. 31<sup>st</sup> St., Yankton, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jean Hunhoff (Chair), and Mike Vehle; and Representatives Peggy Gibson, Roger Hunt, and R. Shawn Tornow (Vice Chair). Senator Angie Buhl was excused. Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary. All members appeared in Pierre except Senators Hunhoff and Vehle who appeared via DDN.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was not recorded by South Dakota Public Broadcasting. The minutes are available at the LRC website at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas."

### **Approval of Minutes**

Representative Tornow commented on page 2, paragraph 3 of the August 30<sup>th</sup> minutes, his title should be corrected to read "*Representative*."

*Representative Gibson moved, seconded by Representative Hunt, to amend the minutes as noted by Representative Tornow, and that the minutes of the August 30, 2011, meeting, as amended be approved. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, Tornow, and Vehle. Member excused: Buhl.*

### **Rules Reviewed**

**Department of Labor and Regulation: Division of Insurance** – Amend rules to revise the time frame for disclosures for the sale of life insurance policies; require specimen copies of provider contracts with access plan filings; and modify the requirements as they relate to internal appeals procedures.

**Mr. Randy Moses** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Vehle, to approve the rules proposed by the Department of Labor and Regulation: Division of Insurance. Motion prevailed on a roll call vote with 4 ayes, 1 nay, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, and Vehle. Member voting nay: Tornow. Member excused: Buhl.*

**Department of Labor and Regulation: Division of Securities** – Amend a rule to create an exemption from registering or reporting to South Dakota Division of Securities for certain private fund advisers.

**Mr. Mike Youngberg** reviewed the proposed rule.

*Representative Gibson moved, seconded by Representative Hunt, to approve the rule proposed by the Department of Labor and Regulation: Division of Securities. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, Tornow, and Vehle. Member excused: Buhl.*

**Department of Environment and Natural Resources: Board of Minerals and Environment** – Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2008, through June 30, 2010. Changes include establishing an alternative set of requirements for academic laboratories; rules that address transboundary movement of hazardous wastes and spent lead-acid batteries; and technical and typographical corrections to errors in the federal rules.

**Ms. Carrie Jacobson** reviewed the proposed rules.

*Senator Vehle moved, seconded by Representative Tornow, to approve the rules proposed by the Department of Environment and Natural Resources: Board of Minerals and Environment. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, Tornow, and Vehle. Member excused: Buhl.*

**Department of Transportation** – Amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to create a 50 mile per hour reduced speed zone adjacent to commercial and residential areas in the city limits and the curves near the lake.

**Mr. Bill Nevin** reviewed the proposed rule.

*Representative Hunt moved, seconded by Representative Gibson, to approve the rule proposed by the Department of Transportation. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, Tornow, and Vehle. Member excused: Buhl.*

**Department of Veterans Affairs** – Amend rules to align the existing rules with South Dakota Codified Laws affected by the Executive Reorganization Order 2011-01 creating the

Department of Military and the Department of Veterans Affairs; address VA and Medicaid rules with regard to fees charged at the Michael J. Fitzmaurice Veterans Home; and clarify the number of days a resident can furlough at the Michael J. Fitzmaurice Veterans Home.

**Mr. Steve Harding** and **Mr. Larry Wilcox** reviewed the proposed rules.

*Representative Tornow moved, seconded by Representative Gibson, to approve the rules proposed by the Department of Veterans Affairs which were reviewed by Mr. Harding. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, Tornow, and Vehle. Member excused: Buhl.*

*Representative Gibson moved, seconded by Representative Hunt, to approve the rules proposed by the Department of Veterans Affairs which were reviewed by Mr. Wilcox. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, Tornow, and Vehle. Member excused: Buhl.*

**Department of Education: Board of Education** – Adopt a Professional Teachers rule to provide the content of teaching standards for teacher performance and evaluation. (*Action on this rule was deferred from the August 30<sup>th</sup> meeting to the September 27<sup>th</sup> meeting by the Interim Rules Review Committee.*)

**Ms. Melody Schopp**, Secretary of the Department of Education, reviewed the proposed rule 24:08:06:01 regarding teacher performance standards.

Representative Tornow stated that he supports the concept but would not support the proposed rule as written.

*Representative Gibson moved, seconded by Senator Vehle, to approve the Teacher Performance Standard rule proposed by the Department of Education: Board of Education. Motion prevailed on a roll call vote with 4 ayes, 1 nay, 1 excused. Members voting aye: Gibson, Hunhoff, Hunt, and Vehle. Member voting nay: Tornow. Member excused: Buhl.*

### **Next Meeting Schedule**

The next meeting of the Interim Rules Review Committee will be a DDN meeting on November 15, 2011.

### **Adjournment**

*Representative Gibson moved, seconded by Representative Hunt, that the meeting be adjourned. Motion prevailed on a voice vote.*

Chair Hunhoff adjourned the meeting at 10:44 a.m.



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